

APPLICATION NO 10/797,116
ART UNIT 3728RECEIVED
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REMARKS

Claims 1 to 4 are rejected under 35 U.S.C. 102 (b) as being anticipated by Jung (5,068,981). In addition, Claims 1 to 3 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lombardino (6,055,747) in view of Jung.

Responsive to this, claims 2 to 4 are deleted and claim 1 is amended which is substantially the combination of original claims 1 to 4 so as to make the claimed invention more distinguishably patentable over the prior arts cited by the Examiner.

There are at least two obvious different parts between the amended claim 1 of the claimed cushion cell and the disclosure by Jung. The first one is that the compressible member 15 of the claimed cushion cell is defined such that the spiral wire of the upper portion is inserted in a corresponding spiral gap of the lower portion when the compressible member is compressed into a flat disk-like form. This allows the cushion cell of the present invention to have longer travel when the cushion cell is working and therefore providing comfortable feature to the wearers. On the contrary, Jung's disclosure cannot do so, which can be clearly seen in Figs. 4A and 4B of Jung's disclosure. It is noted that Fig. 4A shows that the spring (13) has not yet been compressed and Fig. 4B shows that the spring (13) is compressed. The cross sections of the spring of the upper portion and the lower portion are located at the same longitudinal line so that they will only be overlapped to each other. Actually, according to Fig. 4B, after the spring is compressed, the spring is not compressed to a disk-like form. Therefore, Jung's disclosure cannot anticipate the

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claimed cushion cell.

The second different is that Jung's lacks disclosure of the cushion pad with the soft bosses on the top thereof as the claimed cushion cell. According to the drawings of Jung, the chamber body (14) includes a thin top wall so that when the user's heel is supported by the chamber body (14), the wearer can feel the metal made spring (13) for sure. For shoes, especially for sport shoes, this will be one of main concerns for the wearers.

Lombardino discloses a compressible member which has an even diameter so that the compressible member cannot be compressed to be a disk-like form. Furthermore, there are upper and lower extrusions (28), (24) to which the compressible members are mounted, the upper and lower extrusions restrict the compression of the compressible member. Besides, Lombardino does not disclose the at least one ventilation valve and the cushion pad with soft bosses on the top thereof as claimed.

It is believed that, the amended claim 1 has disclosed a structure whose construction and function are quite different from and patentably distinguishable over the cited prior arts. Therefore, it is believed that, the rejections under 35 U.S.C. 102 (b) and 103 (a) should be removed, and the amended claim 1 should be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested.

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Respectfully submitted,

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